

REMARKS

Reconsideration and further examination is respectfully requested.

Rejections under 35 U.S.C. §102

Claims 1-12 and 14-38 were rejected under 35 U.S.C. §102(e) as being anticipated by Weldon et al. (hereinafter Weldon) (US 6,366,563 B1).

The Examiner is thanked for the detailed response to Applicant's arguments of novelty with regard to Weldon in the response filed April 3, 2006. Applicant will now address each of the responses in detail.

1. Weldon does not show or describe optical switched router as now claimed

One item at issue is whether Weldon describes 'an optical switched router' as recited in the claims of Applicant's invention.

The Examiner states that Weldon teaches an optical switched router based on the fact that Weldon states that the network 217 may be formed of physical medium such as optical lines. The Examiner states that because network 217 may be an optical network, then by element 207 of Weldon can be characterized as an optical switch router.

Applicant notes that element 207 is a Source VPN Probing router, which sits on the edge of network 217. At column 5, Weldon states 'The source VPN probing router 207 relays message traffic between the source LAN 210 and the network 217 according to conventional routing operations...' Weldon is silent to what form of technology is used for the LAN.

Applicant has amended the independent claims to more clearly recite the structure of the optical switch router, which includes a plurality of incoming optical interfaces, a plurality of outgoing optical interfaces and an optical switch coupling the incoming optical interfaces to the outgoing optical interfaces. Applicant respectfully submits that no such structure is shown or

suggested by the edge source probe node of Weldon. Rather, even if Weldon may include an optical interface to allow it to interface with an optical network, there is no mention of performing optical switching at this node as recited in the claims of the present invention.

Accordingly, for at least this reason it is requested that the rejection of the independent claims 1, 12, 24 and 35 under 35 U.S.C. §102 be withdrawn.

2. Weldon neither describes nor suggests optical service logic such as that claimed

A second item at issue is whether Weldon describes or suggest optical service logic having the functionality recited in the claims of the present invention. Applicant maintains his position that Weldon does not teach the limitations for at least the following reasons.

Claim 1 recites “...optical service logic at the optical switched router, coupled to the UNI and the peer-to-peer interface, for managing connections in the optical communication network in accordance with said SLA for the user...” No such structure is shown or suggested by Weldon. Rather, Weldon describes a VPNOC which is a centralized controller that manages connections in the network. Such a structure is fundamentally different than that of claim 1. In fact, Weldon explicitly states an advantage of his system of “... Any reprogramming ... is accomplished by configuration commands sent from the QVPN builder...”

The Examiner states, at page 4 of the office action: “Weldon provides “optical service logic at the optical switched router” (Fig. 4, element 407, col. 5, line 34-37).

Applicant notes that element 407 of Weldon is a programmable probe device. According to column 10, line 9 – 19:

“... The programmable probe device includes a timer that generates a probe message after a predetermined time has elapsed since the last probe message was sent. The programmable probe device 407 either maintains internally thereto, or retrieves from main memory 408, a polling interval parameter that was set by the QVPN builder 227. Furthermore, the programmable probe device 407 also receives an indication from the QVPN builder 227 which destination VPN probing routers the source VPN is to communicate with so that tunnels may be established therebetween...”

Thus, although the programmable probe device includes logic for polling and receives information for tunnels, it neither describes nor suggests the functionality of the optical switch router of the claimed invention, which includes “...for *managing connections in the optical communication network in accordance with said SLA for the user*, wherein the optical switched router includes an optical switch coupling a plurality of incoming optical interface to a plurality of outgoing optical interfaces *using optical switching logic controlled by the logic for managing connections...*” Accordingly, for at least the reason that Weldon neither describes nor suggests the limitations of the claims regarding optical service logic capability, it is requested that the rejection of independent claims 1, 12, 24 and 35 under 35 U.S.C. §102 be withdrawn.

Dependent claims:

Claims 2- 11, 14-23, 25-34 and 36-38 add further patentable limitations to their parent claims, and are allowable for at least the same reasons as their parent independent claims.

Conclusion:

Applicants have made a diligent effort to place the claims in condition for allowance. However, should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone the undersigned, Applicants' Attorney at 978-264-6664 so that such issues may be resolved as expeditiously as possible.

For these reasons, and in view of the above amendments, this application is now considered to be in condition for allowance and such action is earnestly solicited.

Respectfully Submitted,

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Date

____/Lindsay G. McGuinness/
Lindsay G. McGuinness, Reg. No. 38,549
Attorney/Agent for Applicant(s)
McGuinness & Manaras LLP
125 Nagog Park
Acton, MA 01720
(978) 264-6664

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